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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,033	07/15/2003	William Paul Mazotti	NSC1P272/P05590	1184
22434	7590	03/02/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			KANG, JULIANA K	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	

2874

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CT

Office Action Summary	Application No.	Applicant(s)	
	10/621,033	MAZOTTI ET AL.	
	Examiner	Art Unit	
	Juliana K. Kang	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-22 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7-22 and 24-33 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Applicant's communication filed on December 14, 2004 has been carefully studied by the Examiner. The arguments advanced therein, considered together with the amendments made to the claims, are persuasive and the rejections based upon prior art made of record in the previous office action are withdrawn. In view of further search, however, and the consequent discovery of a previously uncited prior art document, a new rejection is applied to the pending claims. The late discovery of the newly applied reference is sincerely regretted. This action is not made final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2, 3 and 9 are rejected under 35 U.S.C. 102(a) as being anticipated by Bachl et al (US 2002/0136502 A1).

Regarding claims 3 and 9, Bachl et al disclose a lighting device comprising: a handle (middle part of the waveguide 43 as shown in Fig. 4a) and a pair of rods (ends of the waveguide as shown in Fig. 4b) plugged into barrels (40) that lead to photonic devices (41a, 41b, 41c). Plugging the waveguide into the barrels seals the openings and inherently prevents contaminating particles from entering barrels.

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Regarding claim 2, Bachl et al show the rods (ends of the waveguides) that are substantially parallel to each other (see Fig. 1 and Fig. 4a&b).

Claims 2-5, and 7-11, 14-18, 22-24, and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Pohnke (U.S. Patent 6,599,033 B1, cited during the previous office action).

Regarding claims 3 and 9, Pohnke discloses a plug device comprising: a handle (curved part of the hose 8); and a pair of rods (two ends of the hose) that plug into barrels (21, 22) wherein the barrels lead to photonic devices. Pohnke discloses the rods having cavity thus the rods provide optical light transmission.

Regarding claim 2, Pohnke shows the rods that are substantially parallel to each other (see Fig. 1).

Regarding claims 4, 5, 7, 8, 29 and 30, as described above Pohnke disclose the claimed limitations including a rim that extends around the rods (see Fig.1 the structure butting the end surface 11).

Regarding claims 10, 15, 22 and 28, Pohnke discloses that the handle and rods (hose) are made of silicone rubber, a reflective material.

Regarding claims 11, 14 and 24, Pohnke discloses a u-shaped handle (angled).

Regarding claims 16-18 and 27, Pohnke discloses that the configuration of the invention is suitable for sealing coupling elements for transceivers which have a first opening for the coupling in of light and a second opening for the coupling out of light (see column 2 lines 35-42). Please note that the limitation after the whereby is not

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considered because the function "whereby" statement does not define any structure and accordingly cannot serve to distinguish.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-21 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pohnke (U.S. Patent 6,599,033 B1) and further in view of Kunishi (U.S. Patent 6,030,246).

As described above, Pohnke disclose the claimed invention except the handle having a flat surface. Kunishi teaches that a flat surface for a vacuum-type pick and place assembly and transport apparatus. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a flat surface in Pohnke's handle as taught by Kunishi for vacuum-type pick and transport of the plug device to reduce manufacturing cost.

Claims 12, 13, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pohnke (U.S. Patent 6,599,033 B1) and further in view of Doi (US 2004/0091208 A1).

As described above Pohnke disclose the claimed invention except a 45 degree angled surface and a mirror attached to the angled surfaces. Doi teaches having a 45

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degrees mirror provides a simple and efficient waveguide for coupling the light beam between optical devices (see [0012]). Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a 45 degrees mirror in Pohnke to provide a simple and efficient coupling between the optoelectronic components.

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliana K. Kang whose telephone number is (571) 272-2348. The examiner can normally be reached on Mon. & Fri. 10:00-6:00 and Tue. & Thur. 10:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 5/26/05
JULIANA KANG
PRIMARY EXAMINER